



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	II	Intake, Investigation and Response	
Chapter:	E	Allegation Based System	12-30-2004
Subchapter:	1	Allegations	
Issuance:	1800	Sexual Exploitation	

ALLEGATION OF HARM

12-30-2004

A sexual exploitation can be due to abuse -- allegation of harm #20.

DEFINITION

12-30-2004

"Sexual Exploitation" means --

Sexual use of a child for sexual arousal, gratification, advantage, or profit. This includes, but is not limited to:

Indecent solicitation of a child/explicit verbal enticement;

- Child pornography;
- Exposing sexual organs to a child for the purpose of sexual arousal, or gratification;
- Forcing the child to watch sexual acts; or
- Self-masturbation in the child's presence.

TAKING A REPORT

12-30-2004

Acceptable Reporter/Source --

Any person who has reason to believe that a child was sexually exploited as a result of abuse may be the reporter or source of the CAN report.

Usage --

The reporter/source has reason to believe that the sexual exploitation resulted from one of the following:

The person who sexually exploited the child was a parent, caregiver, immediate family member, the parent's paramour, or other person responsible for the child's welfare. (ABUSE)

The failure of the parent, caregiver, immediate family member, parent's paramour, or other person responsible for the child's welfare to make reasonable efforts to stop another person from sexually exploiting the child. (ABUSE)

INVESTIGATING A REPORT

12-30-2004

Required Documentation/Evidence Needed to Support a Finding --

- Victim statement alleging sexual exploitation. Note exploitation definition, which requires documentation that the sexual use of a child was for purposes of sexual arousal, gratification, advantage, or profit. If CP&P conducted a joint interview with law enforcement, documentation of victim statement should include notes from the criminal investigation or an interview summary provided by the Child Advocacy Center.
- Secure evidence that the victim was sexually exploited by a parent/caregiver (ABUSE), or the parent/caregiver failed to stop the action of another person that resulted in exploitation (ABUSE).
- Document the typology of the incident stating the type and extent of sexual conduct (e.g. what was said and context, what was viewed, and circumstances, details of exposure, etc.).
- If physical evidence is unavailable, investigator should document a basic consistency between statements and outcries and supporting information (corroboration) regarding time(s), place, physical descriptions, and whereabouts of others living at the address at time of occurrence, etc.
- Detailed documentation of perpetrator's statement.
- If police have conducted an investigation, the final finding must be obtained and documented. If the police report is not available, a case note must be

included indicating the report has been requested along with documentation of the verbal statements. The supervisor must review the police report when it is received to ensure findings do not conflict with previously documented information received verbally.

- If multiple perpetrators are identified, circumstantial evidence that identifies the most likely perpetrator.
- If behavioral/emotional problems are used as corroboration, statement from clinician regarding correlation.
- Every effort must be made to assess credibility of all subjects involved in the investigation.

Supervisor

Written approval -- The above elements are required for every investigation into sexual exploitation. Your approval is required, in writing, if it is acceptable for any of the above steps to be eliminated from the formal investigation process.

Formal documentation -- Document your approval on a Contact Sheet, CP&P Form [26-52](#). With the onset of NJ SPIRIT, Release Two (on or about September, 2005), document your approval on a SPIRIT Case Note.

REQUIREMENTS FOR PROCEEDING TO INVESTIGATION

12-30-2004

An investigation must be commenced if --

- the safety assessment is marked unsafe; or
- there is a determination that the child victim alleges sexual exploitation, and/or there is reasonable cause to suspect that the victim was exploited by a parent/caregiver, or the parent/caregiver failed to make reasonable efforts to stop the exploitation by another person; and
- the alleged victim is under the age of 18.

Timeframe --

The decision to proceed to a formal investigation must be made within 14 days from the receipt of the report, and documented on a Contact Sheet, CP&P Form [26-52](#). With the onset of NJ SPIRIT, Release Two (on or about

September, 2005), document approval on a SPIRIT Case Note.

REQUIREMENTS FOR INVESTIGATION

12-30-2004

Child Protective Investigator

- Complete a Caregiver Strengths and Needs Assessment in accordance with policy, see [CP&P-III-B-6-600](#). Use CP&P Form [22-24](#), New Jersey CP&P SDM™ Caregiver Strengths and Needs Assessment.
- Complete a Child Strength and Needs Assessment in accordance with policy, see [CP&P-III-B-6-600](#). Use CP&P Form [22-25](#), New Jersey CP&P SDM™ Child Strength and Needs Assessment.
- In person, individual interview with the child victim, if the child victim was not interviewed during the initial investigation.
- In person, individual interview with parents/caregivers.
- In person, individual interview with alleged perpetrator, after consultation with law enforcement.
- In person, individual interview with all other adults and verbal children of the victim's household. Non-verbal children must be observed.
- In person, individual interview with all other adults and verbal children of the perpetrator's household. Non-verbal children must be observed.
- Interview any other outcry witnesses.
- Interview all those residing at the Address of Occurrence, at the time of incident(s) including observation of physical location.
- Interview any witness offered by alleged perpetrator who may offer an alibi.
- Interview physician who completed sexual abuse exam, if done.
- Interview the law enforcement investigator involved in the criminal investigation.
- Interview all identified witnesses who are reported to have knowledge of the incident.
- If the family or the subjects identify two or more possible collateral contacts, at least two must be interviewed either by phone or in person.

- Interview the prior Worker if a service case is currently closed but has been open within the past two years.
- Interview therapist or any other professionals who have knowledge of the incident.
- When there are other children in the home, interview school personnel and/or child care provider who has knowledge of the child and/or the level of parental care provided to the child.
- Interview primary care physician or physician who has seen child in past six months.
- Interview child protective services in other states in which the family members have resided in the previous five years.

Supervisor

Written approval -- The above elements are required for every formal investigation into sexual exploitation. Your approval is required, in writing, if it is acceptable for any of the above steps to be eliminated from the formal investigation process.

Formal documentation -- Document your approval on a Contact Sheet, CP&P Form [26-52](#). With the onset of NJ SPIRIT, Release Two (on or about September, 2005), document your approval on a SPIRIT Case Note.

REQUIRED MEDICAL DOCUMENTATION AND/OR CONSULTATIONS

12-30-2004

- The Worker must ensure that the child receives an immediate medical examination if evidence exists that the child is in need of urgent medical care.
- Sexual abuse exam is required if information obtained suggests other sexual abuse.
- Medical records of current treatment/diagnosis and relevant past treatment.
- A second opinion is required when:
 - the treating physicians are unable or unwilling to offer an opinion regarding whether or not abuse occurred; or
 - there are conflicting opinions among treating physicians; or

--the case has been staffed with a supervisor and, based on the totality of the information gathered, the assigned child protective investigator is unable to make a well-supported finding.

Note: The opinion of the physician with the most relevant specialization and experience should be given the greatest regard.

Additional clinical consultation may be sought if the victim recants during the investigation, or if the victim's ability to make a statement is impaired due to emotional developmental, behavioral problems, etc.

LAW ENFORCEMENT PROSECUTOR INVOLVEMENT OR NOTIFICATION

12-30-2004

Child Protective Investigator

- Law enforcement and the Prosecutor shall be notified within 24 hours after receipt of the report.
- Where available, these investigations must be conducted under the auspices of the local Child Advocacy Centers.
- CP&P and local law enforcement should cooperate in conducting investigations.

ASSESSMENT OF "FACTORS TO BE CONSIDERED" TO SUPPORT CASE FINDING

12-30-2004

Not Applicable to this allegation.

NOTIFICATION OF FINDINGS

12-30-2004

Child Protective Investigator

- Verbally notify the family/perpetrator of the recommended finding and provide follow-up written notification on
 - CP&P Form [9-28](#), Notification Letter to Perpetrator (Confirmed), If Child Abuse/neglect is

Substantiated, **OR**

-CP&P Form [9-30](#), Notification Letter to Parent, Guardian or Caregiver and Alleged Perpetrator if Child Abuse/neglect is Unfounded.

- Notify the reporter of the recommended finding on CP&P Form [26-64](#), Letter to Reporter/Referral Source.
- With parental consent, notify collateral contacts that were interviewed if the case is unfounded.

REFERENCE TO RELATED POLICY

8-29-2011

See [CP&P-II-B-1-550](#), Reports and Referrals Regarding Child-on-Child Sexual Abuse and Child-on-Child Sexual Activity.